

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**THOMAS M. TOOKER and  
MARY H. TOOKER**

**PLAINTIFFS**

**VERSUS**

**CIVIL ACTION NO.: 1:07cv798-LTS-RHW**

**STATE FARM FIRE AND CASUALTY  
COMPANY, et al**

**DEFENDANTS**

**AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE  
AS TO STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ONLY**

**THIS CAUSE** having come on this day on the Joint Motion for Dismissal of State Farm Mutual Automobile Insurance Company and the Court, being informed that there exist no cross-claims against State Farm Mutual Automobile Insurance Company and that all parties agree to the terms of this dismissal, is of the opinion that the Joint Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that this cause should be, and the same is hereby, dismissed without prejudice as to State Farm Mutual Automobile Insurance Company only, subject to the following conditions:

- 1) Plaintiffs maintain and do not dismiss their claims against State Farm Fire and Casualty Company;
- 2) State Farm Mutual Automobile Insurance Company retains and hereby preserves its right to pursue costs and attorneys' fees under Fed. R. Civ. P. 11 and the Mississippi Litigation Accountability Act against Plaintiffs' former counsel as defined in the parties' Joint Motion. Plaintiffs' former

counsel does not include Deborah R. Trotter, Merlin Law Group, P.A.  
against whom State Farm Mutual will not seek fees and costs for any  
actions taken prior to the dismissal without prejudice of State Farm  
Mutual.

SO ORDERED AND ADJUDGED this the 27<sup>th</sup> day of June , 2008.

s/ L. T. Senter, Jr.  
**L. T. SENTER, JR.**  
**SENIOR JUDGE**

Approved as to Form by:

s / Deborah R. Trotter  
DEBORAH R. TROTTER, MSB # 101360  
Attorney for Plaintiffs

s/ Sherrie L. Moore  
SHERRIE L. MOORE, MSB #10723  
Attorney for Defendant, State Farm  
Mutual Automobile Insurance Company

s/ H. Scot Spragins  
H. SCOT SPRAGINS, MSB #7748  
Attorney for Defendant State Farm Fire  
and Casualty Company